

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONNELL PRICE,
Plaintiff

v.

W. TED WILLIAMS, et al.,
Defendants

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No. 1:18-cv-583

(Judge Kane)

ORDER

AND NOW, on this 16th day of April 2019, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants Doll and Reisinger's motion to dismiss (Doc. No. 50) is **GRANTED**, and Plaintiff's claims against them are **DISMISSED** under Federal Rule of Civil Procedure 41(b) pursuant to the factors set forth in Poulis v. State Farm Fire and Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984), as follows:
 - a. Plaintiff's Eighth Amendment claims against Defendants Doll and Reisinger are **DISMISSED WITH PREJUDICE**;
 - b. Plaintiff's medical malpractice claims against Defendants Doll and Reisinger are **DISMISSED WITHOUT PREJUDICE**;
2. The Clerk of Court is directed to terminate Defendants Doll and Reisinger from the docket of this matter; and
3. The Clerk of Court is specially appointed to serve a copy of Plaintiff's amended complaint (Doc. No. 42), notice of lawsuit and request for waiver of service of summons, waiver, and this Order, upon Defendant Bainbridge at the address provided by Plaintiff in Doc. No. 40. The Court requests that Defendant Bainbridge cooperate in efforts to simplify case administration by waiving service pursuant to Fed. R. Civ. P. 4(d). The waiver request shall inform Defendant Bainbridge both of the consequences of compliance and of failure to comply with the requests. Defendant Bainbridge is permitted 30 days from the date the waiver request is sent (60 days if addressed outside any judicial district of the United States) to return the signed waiver or electronically file it in the Court's Electronic Case Filing (ECF) system. If a signed waiver is not returned or electronically filed within the required time, an order shall be issued directing the Clerk's office to transmit the summons and a copy of the complaint to the U.S. Marshals Service for immediate service under Fed. R. Civ. P. 4(c)(1).

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania